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6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA
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10 MICHAEL J.,¹

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12 Plaintiff,

13 v.

14 MARTIN O'MALLEY,

15 Commissioner of Social Security,

16 Defendant.
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Case No. 2:24-cv-01961-CBM-SSC

**ORDER ACCEPTING
FINDINGS, CONCLUSIONS,
AND RECOMMENDATIONS OF
UNITED STATES
MAGISTRATE JUDGE**

19 Pursuant to 28 U.S.C. § 636 the Court has reviewed the
20 Complaint, all of the records herein, and the attached Report and
21 Recommendation of United States Magistrate Judge. The Court has
22 also reviewed Plaintiff's Objections to the Report and Recommendation
23 and Defendant's Response to Plaintiff's Objections, and rules as follows:
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26 ¹ Plaintiff's name is partially redacted in accordance with Rule
27 5.2(c)(2)(B) of the Federal Rules of Civil Procedure and the
28 recommendation of the Committee on Court Administration and Case
Management of the Judicial Conference of the United States.

1 1. Plaintiff's objection that the Magistrate Judge improperly
2 ruled that the ALJ's failure to evaluate Listing 12.03 was
3 harmless error is **OVERRULED**.

4 2. Plaintiff's objection that the Magistrate Judge improperly
5 ruled that the ALJ provided clear and convincing reasons to
6 discount Plaintiff's subjective symptoms is **OVERRULED**.

7 Having made a *de novo* determination of the portions of the
8 Report and Recommendation to which Objections were directed, the
9 Court hereby concurs with and accepts the findings and conclusions of
10 the Magistrate Judge.

11 **IT IS ORDERED** that (1) the Report and Recommendation is
12 accepted and adopted as the Findings of Fact and Conclusions of Law
13 herein; (2) the decision of the Administrative Law Judge is **AFFIRMED**;
14 and (3) this action is **DISMISSED WITH PREJUDICE**.

15 **IT IS FURTHER ORDERED** that the Clerk serve copies of this
16 Order, the Magistrate Judge's Report and Recommendation and the
17 Judgment on counsel for Plaintiff and the United States Attorney for
18 the Central District of California.

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20 DATED: January 29, 2025
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24 HONORABLE CONSUELO B. MARSHALL
25 UNITED STATES DISTRICT JUDGE
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